

Zoning Case No. C14-2018-0155

RESTRICTIVE COVENANT

OWNER: 3303 Manor QOF LP, a Texas limited partnership

OWNER ADDRESS: 2501 North Lamar Boulevard, Suite 300
Austin, Texas 78703

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which are acknowledged.

PROPERTY: A 2.882 acre tract of land situated in the City of Austin, Travis County, Texas, being out of a portion of Outlot No. 51, Division "B" of the government tract adjoining the City of Austin, Travis County, Texas, said 2.882 acres of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant, (the "Property").

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell, and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Land Use Review-Transportation Section of the Development Services Department (the "Department"), dated July 2, 2019. The NTA memorandum shall be kept on file at the Department.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.

4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin and (b) by the Owner of the Property, or a portion of the Property, subject to the modification, amendment, or termination at the time of such modification, amendment or termination.

EXECUTED this the 13th day of November, 2019.

Owner:

3303 Manor QOF LP, a Texas limited partnership

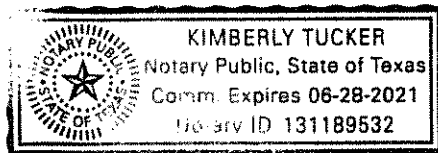
By: 3303 Manor LLC, a Texas limited liability company, its
general partner



David Kanne, Manager

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 13 day of November, 2019, by David Kanne, as Manager of 3303 Manor LLC, a Texas limited liability company, as general partner of 3303 Manor QOF LP, a Texas limited partnership, on behalf of said partnership.




Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

TRAVIS COUNTY, TEXAS
2.882 ACRES
WUEST GROUP PROJECT # 501-076

WUEST GROUP

Firm No. 10194507

EXHIBIT " _ "

FIELD NOTES DESCRIPTION

DESCRIPTION OF A 2.882 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING OUT OF A PORTION OF OUTLOT No. 51, DIVISION "B" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS (MAP FILED IN THE TEXAS GENERAL LAND OFFICE RECORDS), BEING ALL OF THAT CERTAIN 2.882 ACRE TRACT OF LAND CONVEYED TO 3303 MANOR QOF, LP BY A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN IN DOCUMENT No. 2019037859, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING FURTHER CORRECTED BY CORRECTION AFFIDAVIT AS TO SPECIAL WARRANTY DEED WITH VENDOR'S LIEN IN DOCUMENT No. 2019042678, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.882 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found on the east right-of-way line of Tillery Street (50' R.O.W. width), being the common west corner of said 2.882 acre tract and Lot 14, Block "B", Manor Road Addition, a subdivision of record in Volume 5, Page 33, Plat Records of Travis County, Texas, being the southwest corner of the tract described herein, from which a 1/2-inch iron rod found at a point of curvature at the intersection of the east right-of-way line of said Tillery Street with the north right-of-way line of Denver Avenue (50' R.O.W. width), being the southwest corner of said Lot 14, bears S 11°44'27" E, a distance of 110.05 feet;

THENCE N 12°06'45" W, with the east right-of-way line of said Tillery Street and the west line of said 2.882 acre tract, being with the west line of the tract described herein, a distance of 268.51 feet to a 1/2-inch iron rod with cap stamped "Wuest Group" set at the intersection of the east right-of-way line of said Tillery Street with the south right-of-way line of Manor Road (R.O.W. width varies), being the northwest corner of said 2.882 acre tract and the tract described herein, from which a 5/8-inch iron rod found in the right-of-way of said Manor Road bears N 12°06'45" W, a distance of 0.81 feet;

THENCE leaving the east right-of-way line of said Tillery Street and with the south right-of-way line of said Manor Road, being with the north line of said 2.882 acre tract and the tract described herein, the following three (3) courses and distances:

1. N 69°13'15" E, a distance of 134.03 feet to a 5/8-inch iron rod found for an angle point,
2. N 66°23'22" E, a distance of 81.09 feet to a bent 5/8-inch iron rod found for an angle point, and
3. N 50°26'31" E, a distance of 182.03 feet to a 1/2-inch iron rod with cap stamped "Wuest Group" set being the common north corner of said 2.882 acre tract and Lot 1, Block B of said Manor Road Addition, for the northeast corner of the tract described herein, from which a 3/8-inch iron rod found at a point of curvature at the intersection of the south right-of-way line of said Manor Road with the west right-of-way line of Palo Pinto Drive (50' R.O.W. width), being a northerly corner of said Lot 1, bears N50°26'31"E, a distance of 86.05 feet;

EXHIBIT "A"



Sheet 1 of 4

ENGINEERING & SURVEYING

TBPLS FIRM # 10194507
TBPE FIRM # F-15324
2007 S 1ST STREET, SUITE 103
AUSTIN, TEXAS 78704
(512)394-1900

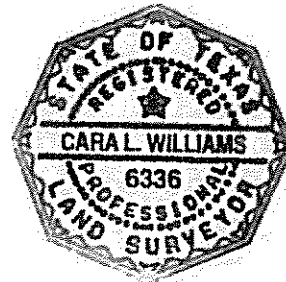
THENCE S 18°11'33" E, leaving the south right-of-way line of said Manor Road and with the east line of said 2.882 acre tract, being with the west lines of said Lot 1 and Lots 2 through 7, Block "B" of said Manor Road Addition, also being with the east line of the tract described herein, passing a calculated point at a distance of 242.03 feet at the common west corner of said Lots 4 and 5, from which a 1/2-inch iron rod found in the interior of said 2.882 acre tract bears S 83°23'12" W, a distance of 0.53 feet, continuing at a distance of 307.00 feet to a calculated point at the common west corner of said Lots 5 and 6, from which a 1/2-inch iron rod found in the interior of said 2.882 acre tract bears S 71°53'21" W, a distance of 0.42 feet, and continuing for a total distance of 395.71 feet to a 1/2-inch iron rod with cap stamped "Wuest Group" set for the southeast corner of said 2.882 acre tract and the tract described herein, also being the northeast corner of Lot 9, Block "B" of said Manor Road Addition, from which a 1/2-inch iron rod found on the north right-of-way line of said Denver Avenue, being the common south corner of said Lot 9 and Lot 8, Block "B" of said Manor Road Addition, bears S 18°11'35" E, a distance of 124.32 feet;


THENCE S 78°32'17" W, with the south line of said 2.882 acre tract and the tract described herein, also being with the north lines of said Lots 9 and 14 and Lots 10-13, Block "B" of said Manor Road Addition, passing at a distance of 65.02 feet a calculated point at the common north corner of said Lots 9 and 10, from which a 1/2-inch iron rod found on the common line of said Lots 9 and 10, bears S 12°10'37" E, a distance of 0.64 feet, and continuing for a total distance of 415.45 feet to the **POINT OF BEGINNING** and containing 2.882 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone (4203), NAD83, Grid.

That I, Cara L. Williams, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying survey map are true and correct to the best of my knowledge and belief and was prepared from an actual on-the-ground survey under my direction and supervision.

As Prepared by
WUEST GROUP
Firm Registration No. 10194507

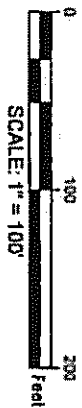
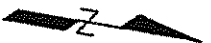
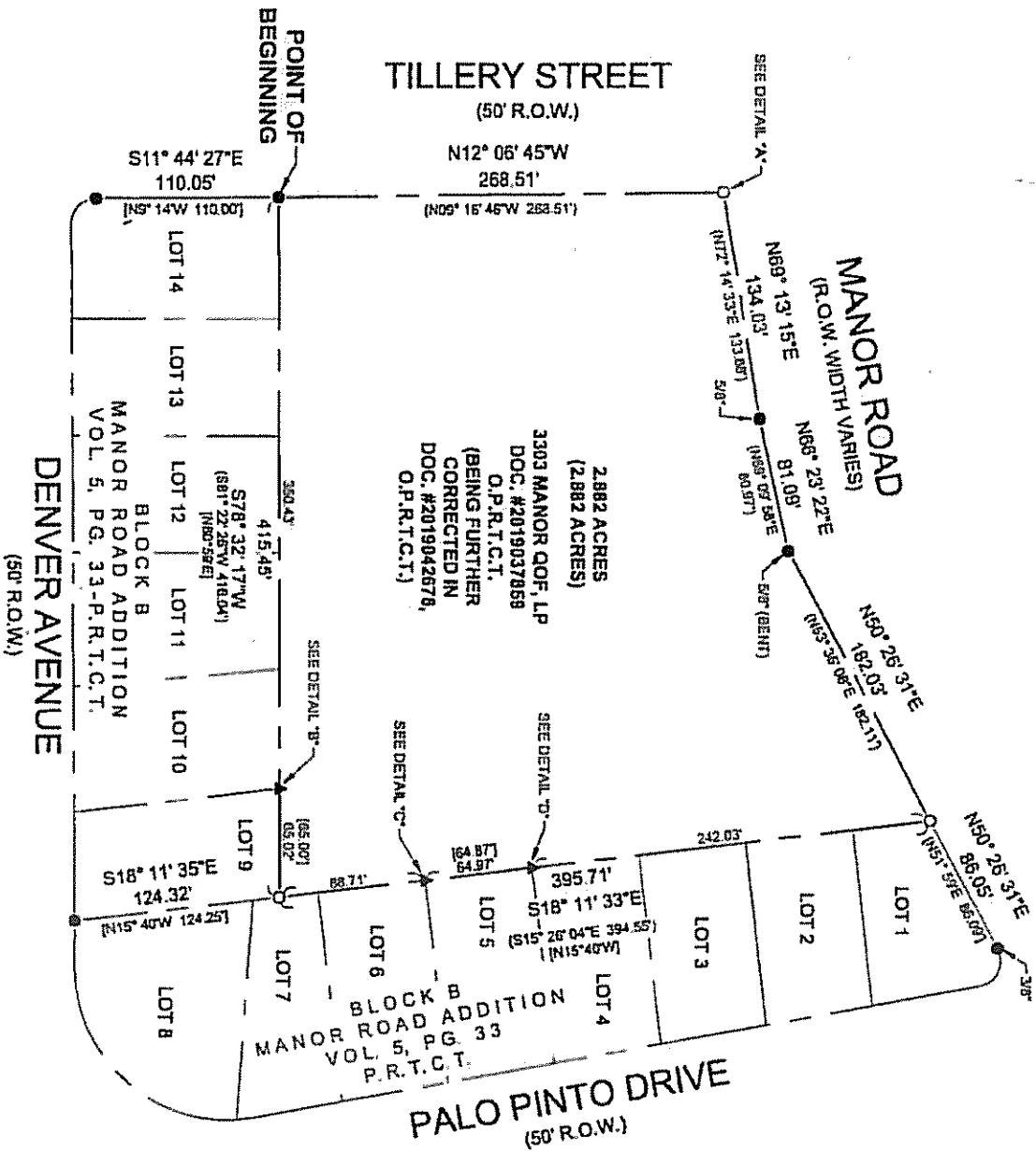




Cara L. Williams
RPLS No. 6336 - State of Texas
(512)394-1900

10-23-19

Date



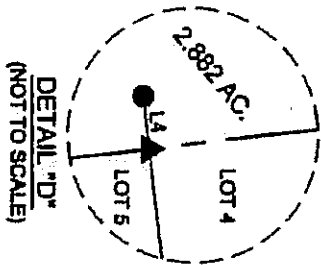
HORIZONTAL DATUM:
TEXAS STATE PLANE COORDINATES
NAD '83 (CENTRAL ZONE 4203 - GRID)

3303 MANOR RD
OCTOBER, 2019
PROJECT NO. 501-093



ENGINEERING & SURVEYING
TBRFS FRM # 0194507
TBPE FRM # 15324
2007 S. 4th STREET, SUITE 103
AUSTIN, TEXAS 78704
(512) 394-1980
SHEET
3 of 4

EXHIBIT " "
SKETCH TO ACCOMPANY FIELD NOTES DESCRIPTION



STATE OF TEXAS
REGISTERED
CARAL WILLIAMS
6336
PROFESSIONAL
LAND SURVEYOR

LEGEND

● 1/2 IRON ROD FOUND
(UNLESS NOTED)

○ CAPPED 1/2 IRON ROD SET
STAMPED "WUEST GROUP"

▲ CALCULATED POINT

() RECORD INFO. PER DOC.
#2019042878, O.P.R.T.C.T.

[] RECORD INFO. PER VOL. 5,
PG. 33, P.R.T.C.T.

R.O.W. RIGHT-OF-WAY

P.R.T.C.T. PLAT RECORDS, TRAVIS
COUNTY, TEXAS

O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS,
TRAVIS COUNTY, TEXAS

LINE TABLE



ENGINEERING & SURVEYING
TRIPLE FRM # 10184607
TRPE FRM # F-15124
2007 S 1ST STREET, SUITE 103
AUSTIN TEXAS 78704
(512) 294-1900

After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: C. Curtis, Paralegal

Resolution of Corporate Authority for a Limited Liability Company

I, David Kanne, the undersigned **Manager** of the license that is the member of 3303 Manor LLC the "Company", hereby certify that:

Company is a limited liability company duly organized and existing under the laws of the State of Texas. The following is a true and accurate transcript of a Resolution adopted at the October 31, 2019 Member meeting. The Company's Members adopted the Resolution, which is contained in Company's minute book, at a duly authorized meeting. A quorum of Company's Members was present at the entire meeting and all actions taken at the meeting complied with Company's charter and by-laws. The Resolution has not been amended or revoked on the date signed below, and remains in full force and effect.

Resolved, that Drew Raffaele or Amanda Swor at Drenner Group PC, or their designee, is empowered to sign any and all documents, to take such steps, and to do such other acts and things, on behalf of said Company, as in his or her judgment may be necessary, appropriate or desirable in connection with any License Agreement entered into with the City of Austin affecting the real property described as:

3303 Manor Road, Austin Texas, 78723

2205 Tillery Street, Austin, Texas 78723

2213 Tillery Street, Austin, Texas 78723

Resolved, that all transactions with the City of Austin involving a License Agreement affecting the Property by any Members of the Company, in its name and for its account, prior to the adoption of these resolutions, are hereby ratified and approved for all purposes.

Signed and sealed on November 12, 2019.

{Seal}

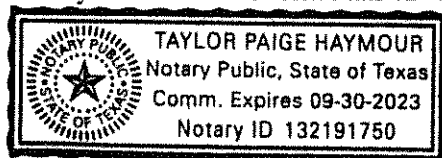

David Kanne, Member/Manager

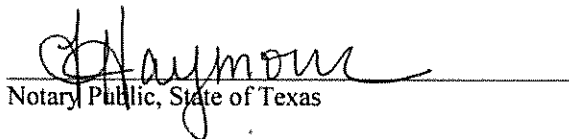
STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, Taylor Haymour, the undersigned Notary Public of the State of Texas, on this day personally appeared David Kanne, known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 12th day of November, A.D. 2019.

[SEAL]




Notary Public, State of Texas

Note: Resolution of Corporate Authority for an LLC must authorize the **Manager** or a **Member** to act on behalf of the limited liability corporation, **and** be signed by, attested, and dated by a **Member** no earlier than three months before date of License Agreement.